

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ANDREW JAMES KOSTER,

Plaintiff,

Case No. 1:23-cv-718

v.

HONORABLE PAUL L. MALONEY

KALAMAZOO COUNTY, et al.,

Defendants.

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ORDER DISMISSING MOTIONS TO DISMISS AS MOOT

On July 10, 2023, Defendant Denharder filed a motion to dismiss the complaint pursuant to Fed. R. Civ. P. 12(b)(6) (ECF No. 6). Defendants Kalamazoo County, Tanner Boysen, Amber Holmes, Collin Juszczuk, Jeff Nichols, and David Scholten also filed a motion to dismiss pursuant to Rule 12(b)(6) (ECF No. 8). On July 31, 2023, Plaintiff filed an amended complaint as a matter of course pursuant to Fed. R. Civ. P. 15(a)(1) (ECF No. 14). When filed, an amended complaint supersedes the original complaint, which becomes a nullity. *See Drake v. City of Detroit*, 266 F.App'x 444, 448 (6th Cir. 2008); *Klyce v. Ramirez*, 852 F.2d 568, 1988 WL 74155, at * 3 (6th Cir. July 19, 1998) (per curiam) (unpublished table opinion) (collecting cases from other circuits). An amended complaint filed after a motion to dismiss has been filed renders the motion to dismiss moot. *See Bancoult v. McNamara*, 214 F.R.D. 5, 13 (D.D.C. 2003) (“Because the original complaint now is superseded by the amended complaint, the court denies without prejudice all pending motions pertaining to the original complaint.”). Accordingly,

IT IS HEREBY ORDERED that the motions to dismiss the complaint (ECF No. 6 and 8) are DISMISSED AS MOOT.

Date: August 1, 2023

/s/ Paul L. Maloney
Paul L. Maloney
United States District Judge